

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 17-24, 27-28, 31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (GB 2,385,506 A) in view of Manzella et al (6,460,488).

3. In re claims 17, 19-21, 23-24, 27-28, 31, and 34, with reference to Figure 1, the abstract, and page 1 para.3, Smith discloses a restraint device for an animal comprising a neck collar (1) for the animal having inter-engageable ends (2,4), a surface of the collar having longitudinally spaced apart lead guide means (3) mounted on either side of the longitudinal center of the collar; a lead (5) having a pair of ends, the lead passing through the lead guide means and having stop means (7) at each end to which a leash is attachable; slider means (6) mounted on the lead located between the lead guide means and arranged to allow a portion of the lead to assume a generally noose like shape to encompass the nose and mouth region of the animal made from metal which does not cause allergic reaction. Not disclosed is a securing means at the end of the lead.

4. However, with reference to Figure 1, Manzella et al disclose a leash with a circle ring (12) at the end of a lead and a metal spring clip (14) attached to that circle. The advantage of this is to have a quick connection and disconnection. It would have been

obvious to one having ordinary skill in the art at the time the invention was made to have provided the stop means of Smith with metal spring clips as taught by Manzella et al in order to have a quick connection and disconnection feature. With these metal spring clips the lead ends could be attached to each other or any other part of the collar.

5. In re claim 18, with reference to Figure 1, Smith discloses the lead guide means (3) are arranged as two outer guide means which are engageable with the stop means and two inner guide means which are located one on each side of the longitudinal center of the collar.

6. In re claim 31, with reference to page 2 para.3, Smith discloses the slider means (6) comprises a pair of friction surfaces against which the lead means bears and which friction surfaces allow the free, or at least substantially unimpeded passage of the lead means.

7. In re claim 22, Smith discloses the claimed invention above except for the lead being 2.5 to 1.5 times longer than the collar. Smith does show in the Figures that the lead is longer than the collar and also states on page 2 paragraphs 2 and 3 that the leads and collars vary in length depending on the size and shape of the dog. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the device of Smith to have the lead being 2.5 to 1.5 times longer than the collar, since it has been held that where the general conditions of a claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art.

8. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith (GB 2,385,506 A) in view of Manzella et al (6,460,488) as applied to claims 17-24, 27-28, 31 and 34 above, and further in view of Hull et al (5,497,733).

9. In re claims 25-26, Smith discloses the claimed invention above except for the securing means comprising hook and eye fasteners.

10. However, with reference to Figure 1 and the abstract, Hull et al disclose a lead with hook and eye fasteners at the ends. The advantage of this is to have a quick connect means to attach the lead to itself and to the collar when not in use. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the securing means of Smith as modified by Manzella et al with hook and eye fasteners as taught by Hull et al in order to have a quick connect means to attach the lead to itself and to the collar when not in use.

Response to Arguments

11. Applicant's arguments filed 07/09/2008 have been fully considered but they are not persuasive.

12. Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

13. In response to applicant's arguments that it would not have been obvious to combine Manzella with Smith because Manzella's special feature is longitudinal stretch, this argument is not persuasive. The Examiner uses the Manzella reference only for teaching that it is known to have securing means (spring clip) at the end of a lead attached to a stop means (ring). When combining Manzella with Smith, it would have

been obvious to provide Smith with securing means (spring clip) at the end of a lead attached to a stop means (ring) as taught by Manzella.

14. In response to applicant's arguments that it would not have been obvious to combine Hull with Smith because Hull provides a different means of control than Smith, this argument is not persuasive. The Examiner uses the Hull reference only for teaching that it is known to have hook and eye fasteners as a securing means, not as a teaching for the method of control.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MONICA L. WILLIAMS whose telephone number is

(571)270-3113. The examiner can normally be reached on Mon to Fri 6:00-3:30, Alternate Friday off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Mansen can be reached on 571-272-6608. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael R Mansen/
Supervisory Patent Examiner, Art Unit 3644

MW 10/16/2008